

13049 U.S. PTO



Practitioner's Docket No. : MPI98-052P1RDV10DV1M

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Mail Stop Patent Application
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

16834 U.S. PTO
10/786501



NEW APPLICATION TRANSMITTAL

Transmitted herewith for filing is the patent application of

Inventor(s): Acton, Susan L.

For: NOVEL PROTEIN KINASE MOLECULES AND USES THEREFOR

1. Type of Application

This new application is for a(n)

- ☐ Original (nonprovisional)
- ☐ Design
- ☐ Plant
- ☒ Divisional
- ☐ Continuation
- ☐ Continuation-in-part (C-I-P)

CERTIFICATION UNDER 37 C.F.R. SECTIONS 1.8(a) and 1.10*

I hereby certify that, on the date shown below, this correspondence is being:

MAILING

- ☒ deposited with the United States Postal Service in an envelope addressed to the Mail Stop Patent Application, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

37 C.F.R. SECTION 1.8(a)

37 C.F.R. SECTION 1.10*

- ☐ with sufficient postage as first class mail.

- ☒ as "Express Mail Post Office to Addressee"
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TRANSMISSION

- ☐ transmitted by facsimile to the Patent and Trademark Office.

Signature

Date: February 25, 2004

Sean Hunziker

(type or print name of person certifying)

***WARNING:** Each paper or fee filed by "Express Mail" **must** have the number of the "Express Mail" mailing label placed thereon prior to mailing. 37 C.F.R. Section 1.10(b).
"Since the filing of correspondence under [Section] 1.10 without the Express Mail mailing label thereon is an oversight that can be avoided by the exercise of reasonable care, requests for waiver of this requirement will **not** be granted on petition." Notice of Oct. 24, 1996, 60 Fed. Reg. 56,439, at 56,442.

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2. Benefit of Prior U.S. Application(s) (35 U.S.C. Sections 119(e), 120, or 121)

- ☒ The new application being transmitted is a divisional application of U.S. Application Serial No. 09/757,982, filed January 10, 2001, which is a divisional of U.S. Application Serial No. 09/163,115, filed September 29, 1998, which claims the benefit of prior U.S. Provisional Application No. 60/099,657, filed September 9, 1998.

3. Maintenance of Copendency of Prior Application

- A. ☐ Extension of time in prior application
- B. ☐ Conditional Petition for Extension of Time in Prior Application
(complete this item, if previous item not applicable)
- ☐ A conditional petition for extension of time is being filed in the pending **prior** application.
- ☐ A **copy** of the conditional petition filed in the prior application is attached.

4. Abandonment of Prior Application (if applicable)

- ☐ Please abandon the prior application at a time while the prior application is pending, or when the petition for extension of time or to revive in that application is granted, and when this application is granted a filing date, so as to make this application copending with said prior application.

Notification in Parent Application of This Filing

- ☐ A notification of this continuation is being filed in the parent application from which this application claims priority under 35 U.S.C. Section 120.

5. Papers Enclosed

Required for Filing Date under 37 C.F.R. Section 1.53(b) (Regular) or 37 C.F.R. Section 1.153 (Design) Application

118 Pages of Specification, including
79 Pages of Description
32 Pages of Sequence Listing
6 Pages of Claims
1 Page of Abstract

11 Sheets of Drawings (Figures 1-5)

- ☐ The enclosed drawing(s) are photograph(s), and there is also attached a "PETITION TO ACCEPT PHOTOGRAPH(S) AS DRAWING(S)." 37 C.F.R. Section 1.84(b).
- ☒ Formal
- ☐ Informal

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6. Additional Papers Enclosed

- ☒ Information Disclosure Statement (37 C.F.R. Section 1.98) (2 pages)
- ☒ Form PTO-1449 (PTO/SB/08A and 08B) (4 pages)
- ☐ Citations
- ☒ 4 pages of Submission of "Sequence Listing," Computer Readable Copy, and/or Amendment Pertaining Thereto for Biotechnology Invention Containing Nucleotide and/or Amino Acid Sequence
- ☐ Authorization of Attorney(s) to Accept and Follow Instructions from Representative
- ☐ Special Comments
- ☒ Other: Preliminary Amendment (10 pages)

7. Declaration or Oath (including power of attorney)

- ☒ (3 pages) Copy of the executed Declaration and Power of Attorney document filed in prior U.S. Application Serial No. 09/757,982.
- ☒ (2 pages) Copy of Revocation of Prior Powers of Attorney and Appointment of New Power of Attorney document filed in prior U.S. Application Serial No. 09/757,982.

8. Assignment

- ☒ Assignment of the invention from the inventor (Susan L. Acton) to Millennium Pharmaceuticals, Inc., filed in prior U.S. Application Serial No. 09/757,982, and recorded on February 16, 1999, at Reel 9762, Frame 0552
 - ☐ is enclosed.
 - ☒ will follow.



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9. Fee Calculation (37 C.F.R. Section 1.16)

A. ☒ Regular application

| CLAIMS AS FILED | | | | | |
|---|-----------------|------------------------|-----------------|---------|---|
| Claims | Number Filed | Basic Fee Allowance | Number Extra | Rate | Basic Fee 37 C.F.R. Section 1.16(a) \$770.00 |
| Total Claims (37 C.F.R. Section 1.16(c)) | 22 | - 20 = | 2 | \$18.00 | \$36.00 |
| Independent Claims (37 C.F.R. Section 1.16(b)) | 2 | - 3 = | 0 | \$86.00 | \$0.00 |
| Multiple Dependent Claim(s), if any (37 C.F.R. Section 1.16(d)) | 0 | \$290.00 | | | \$0.00 |

Filing Fee Calculation

\$806.00

- ☐ Amendment canceling extra claims is enclosed.
☐ Amendment deleting multiple-dependencies is enclosed.
☐ Fee for extra claims is not being paid at this time.

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10. Method of Payment of Fees

- ☐ Check in the amount of \$ _____.
- ☒ Charge Account No. 501668 in the amount of \$806.00
A duplicate of this transmittal is attached.

11. Authorization to Charge Additional Fees

- ☒ The Commissioner is hereby authorized to charge the following additional fees by this paper and during the entire pendency of this application to Account No. 501668.
- ☒ 37 C.F.R. Section 1.16(a), (f) or (g) (filing fees)
- ☒ 37 C.F.R. Section 1.16(b), (c) and (d) (presentation of extra claims)
- ☐ 37 C.F.R. Section 1.16(e) (surcharge for filing the basic filing fee and/or declaration on a date later than the filing date of the application)
- ☐ 37 C.F.R. Section 1.17(a)(1)-(5) (extension fees pursuant to Section 1.136(a).
- ☐ 37 C.F.R. Section 1.17 (application processing fees)
- ☐ 37 C.F.R. Section 1.18 (issue fee at or before mailing of Notice of Allowance, pursuant to 37 C.F.R. Section 1.311(b))

12. Instructions as to Overpayment

- ☒ Credit Account No. 501668.
- ☐ Refund

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13. Correspondence Address

Direct all future correspondence to:

Customer Number 30405
OR
Intellectual Property Department
MILLENNIUM PHARMACEUTICALS, INC.
40 Landsdowne Street
Cambridge, MA 02139

February 25, 2004

MILLENNIUM PHARMACEUTICALS, INC.

By 
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☒ **Statement Where No Further Pages Added**

☒ This transmittal ends with this page.